

IN THE HIGH COURT OF JUDICATURE AT PATNA  
Cr.Misc. No.32157 of 2008  
ASHOK YADAV, son ofd Late Ramashray Yadav, r/o Vill Kharli Kunwan, PS  
Chakia, District East Champaran  
Versus  
STATE OF BIHAR  
-----

Cr.Misc. No.39874 of 2008  
1. SURESH RAI, son of Nagesh Rai  
2. Harinandan Rai, son of Janak Rai  
Both r/o Vill.Ahiraulia, PS Chakiya, District East  
Champaran..... Petitioners  
Versus  
STATE OF BIHAR  
-----

2. 21.10.2008 Heard the learned Counsel for the petitioners and  
the learned counsel for the State.

One Awadhesh Yadav was shot dead. It led to institution of Chakia PS Case No. 179 of 2002 on 19.9.2002. The present deceased Ram Mohan Tiwary and the injured Jitendra Kumar Chaurasia were named therein whose motorcycle slipped while fleeing away, when they were seized and assaulted by a mob. Chakia PS Case No. 179/2002 on investigation is stated to have been found to be true. The assault on them by the mob led to registration of Chakia PS Case No. 180/2002 by the Police in which it is stated that they were both assaulted by a mob.

Thereafter son of the deceased Ram Mohan Tiwary filed a complaint case on 23.9.2002, the occurrence being of 19.9.2002, which has been sent for investigation under Section 156(3) Cr.P.C. naming the petitioners, registered as Chakia PS Case no. 103/2003. The Police then amalgamated Chakia PS Case No. 108/2002 and 103/2003 and when final form came to be submitted not sending them up for trial, differing with which cognizance has been taken under Sections 302 and 120B of the Penal Code.

In the facts and circumstances of the case, considering the police report in Chakia PS Case No. 179/2002 as being true, let the petitioners, above named, surrender in the court below within a period of six weeks from today when they shall be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM, Motihari, East Champaran in Chakia PS Case No. 180 of 2002, subject to the conditions as laid down under Section 438(2) Cr.P.C.

**Snkumar/-**

**(Navin Sinha,J.)**

